

OFFICE OF REGIONAL ADMINISTRATOR
INTEROFFICE ROUTE SLIP

BBW 8/22 1195

☒ This item is being tracked in Front Office.
Action due by 9/6/88.

106076

ACTION FYI

ATTENTION

- | | | | |
|-------------------------------------|-------------------------------------|--|-------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | REGIONAL ADMINISTRATOR (3RA00) | _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DEP REGIONAL ADMINISTRATOR (3DA00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | EXECUTIVE ASSISTANT TO RA (3RA00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | SPECIAL ASSISTANT TO DRA (3DA00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | ASST REGIONAL ADMINISTRATOR (3PM00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | AIR MGMT DIVISION (3AM00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | ENV SERVICES DIVISION (3ES00) | _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | WATER MGMT DIVISION (3WM00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | WATER MGMT DIVISION (3WM00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | REGIONAL COUNSEL (3RC00) | _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | PUBLIC AFFAIRS (3PA00) | _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | CONG & INTERGOV LIAISON (3CI00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | CHES BAY PROGRAM OFFICE (3CB00) | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

RECEIVED

AUG 21 1988

Management Division
Region III

ACTION NEEDED

- ☒ Prepare reply for signature of RA
- ☐ Review and take action as appropriate
- ☐ Review and discuss with RA
- ☐ Call _____
- ☐ Coordinate with _____
- ☐ Advise _____
- ☐ _____

REMARKS:

AR300582



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 2063
Harrisburg, Pennsylvania 17120

August 19, 1988

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AUG 22 1988

EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATION

The Secretary

(717) 787-4449

James Seif, Regional Administrator
U.S. Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, PA 19107

Re: DER Subsidence Stabilization Project
Heidelberg Colliery, Dupont Borough

Dear Mr. Seif:

As you are aware, the Pennsylvania Department of Environmental Resources, Region III, and the Department of Justice have been recently meeting about a Department mine subsidence project in northeastern Pennsylvania. Additional contacts with your staff indicate they have a concern about the Department moving ahead with the subsidence project because there may be a remote potential for the project to affect the Butler Mine/CERCLA site. In this letter I want to provide you with the benefit of our information about this project and the Butler Mine site.

The subsidence project, which is funded by the Federal Office of Surface Mining, involves the injection of stabilizing material into mine voids left in the anthracite Heidelberg Colliery beneath Dupont Borough. The effect of filling the voids is to stop or lessen the subsidence threat in the area.

Beside and connected to the Heidelberg Colliery is the Butler Mine tunnel. In the 1970's, hazardous chemicals were poured down a bore hole into the Butler Colliery. Butler is, of course, the site of a CERCLA remedial investigation and feasibility study, having been placed on the National Priority List after two releases of the chemicals into the Susquehanna River.

EPA, as the lead agency in the Superfund study, identified several concerns about the proposed DER subsidence project on its own behalf and on behalf of the responsible parties with whom it is negotiating about performance of the RI/FS:

1. The project might introduce large volumes of water into Heidelberg Colliery. That water would flow into Butler, raising the level of the mine pool in Butler enough to force Butler to flood into the Susquehanna River, carrying long-entrapped organics into the river.

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3. The injection materials will go into the upper, generally dry, veins of the colliery, where they will take up a small portion of the total space in the mine. The bottom veins contain the mine pool and the known connection. The common wall, which, after decades of disuse and deterioration may have an occasional breach not evident from the mining maps, will not have water passing through any such breaches. The water leaving the injected slurry will run, instead, down to the mine pool by way of the mine shaft, which is at the lowest point on the floor of the vein being injected. If incidental water should run to Butler through a presently unknown breach in the common wall in the upper veins, the trapped wastes, would not be freed because the wastes went straight into the bottom vein.
4. The Superfund program and the injection contractor have tested the Heidelberg water and found it to be uncontaminated.

We are confident that our project will neither cause nor contribute to another release into the Susquehanna River nor interfere with the remedial investigation presently contemplated. To date, no interested party has identified more than an unsupported speculation of such a result.

We acknowledge and appreciate EPA's concern in this matter that the mine subsidence project not impede the activities of its Superfund program. The ambit of DER responsibilities, however, is not limited only to cleaning up hazardous waste sites but extends broadly to the protection of the health, safety, and welfare of the citizens of this Commonwealth. The subsidence project encompasses some 84.5 acres of the town of Dupont and will provide substantial benefit to homes, churches, businesses, public facilities, as well as miles of streets and sidewalks. Additionally, the project will make more secure Dupont's recently installed sewer system. In all, structures and improvements with a value of \$8.4 million will be stabilized.

The Commonwealth would be willing to consider a delay in order to further demonstrate our interest in effecting a permanent remedy at the Butler Mine site. However, because of delays already experienced in the mine flushing operation and our agreement with the mine flushing contractor, we can no longer plan for an indefinite delay of the project.

Any extension would be predicated on: (1) a detailed schedule being provided by the responsible parties that would demonstrate their commitment for action on an expedited timetable, (2) the signing of the Consent Order to complete the RI/FS, and (3) reimbursement of the penalty the Commonwealth will incur for delaying the mine-flushing contractor's work effort.

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2. Mixing water with mine tailings might create sulfuric acid, which would free naturally-occurring organics from the mine tailings and from the collieries' walls. These naturally-occurring organics would find their way into the samples comprising the RI/FS, and, being indistinguishable from the illegally deposited hazardous wastes, cause the responsible parties to have to pay to clean-up an unending stream of chemicals, only a fraction of which are truly the parties' responsibility.
3. The mine tailings injected into Heidelberg would be so voluminous as to take up space now occupied by water, again forcing an unnatural amount of water into Butler, raising the Butler pool to flood levels.
4. The project would use contaminated water, spreading pollution from Butler, where it is now isolated, throughout the whole area.

It is our understanding that EPA was concerned that any or all of these scenarios might subject DER to suit by the waste generators in which DER would be alleged to be a contributor to future waste releases.

The Department, upon receiving those EPA comments, re-examined the mine maps and the project plans and did additional physical investigation of the underground geography in the project area. After consultation with the federal Office of Surface Mining, whose Wilkes-Barre representatives concurred in the Department's conclusions, the Department's mining personnel invited Region III's Butler Tunnel Superfund site personnel to a meeting so that interested participants could share all the available information.

The information exchange established the following facts, to the evident satisfaction of the Department, OSM and EPA:

1. Water already present in the Heidelberg Colliery mine pool will be pumped to the surface for mixing with mine tailings. No additional water will be needed, as Heidelberg can provide all of the 4,000 gpm which the contractor can use. There will, therefore, be no change in the amount of water going from Heidelberg to Butler, unless the amount of water is lessened due to evaporation, incidental spilling, et cetera.
2. Merely mixing water with mine tailings does not create sulfuric acid. If it did, certainly the effects of sulfuric acid and naturally-occurring organics in coal would be seen in Butler without any Heidelberg contribution. Further, any naturally-occurring organics from the coal are easily distinguishable from the industrial wastes being chased in the RI/FS.

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James Seif, Regional Administrator - 4 -

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Having determined that the project does not present any cognizable risk to the Butler Tunnel site and does represent a substantial public benefit, I do not intend to be dissuaded from my responsibilities by the threat of vexatious litigation by parties seeking to shift their clean-up liability to the Commonwealth. For these reasons, the DER has decided to proceed with the Dupont mine subsidence project.

Sincerely yours,



Arthur A. Davis
Secretary
Department of Environmental Resources

AAD:KW:wjs

cc: File

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